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TAGS: [ELAB](#) [PGOV](#) [ES](#)  
SUBJECT: SALVADORAN SUPREME COURT RULES ILO 87  
UNCONSTITUTIONAL

¶1. (U) Summary. On October 29, the Salvadoran Supreme Court ruled ILO Convention 87, ratified by the Salvadoran Legislative Assembly in August 2006, unconstitutional. The ruling places in doubt the status of public sector unions and presents another obstacle in the free trade agreement negotiations between El Salvador and the European Union. End Summary.

¶2. (U) On October 29, the Salvadoran Supreme Court ruled that ILO Convention 87, which establishes the freedom of association and protects the rights of workers and employers to organize, was unconstitutional. The Salvadoran Legislative Assembly, under pressure from the European Union, ratified the convention on August 26, 2006, as a step toward negotiating a Central America-European Union Free Trade Agreement (FTA).

¶3. (U) The Supreme Court ruled that Convention 87 extends the right to organize to public officers, which is prohibited under the Salvadoran Constitution. They ruled that the right to organize may only be extended to private employees and employees that work for autonomous institutions. In reality, Salvadoran public sector unions operated under the label of "associations" prior to ratification of the convention. Following the ruling, the Minister of Labor announced that the Ministry would no longer authorize legal status for public sector unions.

¶4. (U) Comment: Several ARENA officials have publicly expressed their concern about the ruling and its potential effects on European trade. The legal advisor to the president has said that the government will begin the process to amend the constitution; however there is unlikely to be support for the changes from the business community. In 2006 the National Association of Private Enterprise (ANEP) sent a letter to President Saca asking that he not approve the ratification. The ruling could also complicate negotiations on a Central American-European Union FTA, where the Central American countries have already encountered difficulties negotiating as a block. End Comment.  
Glazer